THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.722 OF 2003

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DATED 15.11.2005

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BETWEEN

M.Srinivas Reddy, S/o M.Vinaya Rao,

R/o H.No.1-8-522/27/2, Chikkadpally, Hyderabad.

… Petitioner

and

The Commissioner, Municipal Corporation of Hyderabad,

Near Tank Bund, Hyderabad and another.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.722 OF 2003

ORDER:

The petitioner claims to be the owner of premises bearing No.1-8-522/27, which is double storeyed building. He made an application on 04.12.2002 for the purpose of construction of ground, first and second floors on the premises. By impugned order dated 13.12.2002, the second respondent informed that the petitioner's application cannot be considered as he did not produce the certified copy of Town Survey Land

Record (TSLR).

In **Hyderabad Potteries Private Limited v Collector**, this Court considered the question whether the Commissioner of Municipal Corporation, Hyderabad can reject an application for building permission on the ground that the TSLR extract does not show the applicant as owner of the property. This Court, after referring to the relevant provisions of the Hyderabad Municipal Corporations Act, 1955 and bye-law 4.2(v), observed as under (para 39 of ALT).

> Of course, the Commissioner has to consider the objections, if any, raised for grant of permission. But, an objection raised by a member of the Committee itself would not be enough to reject the application for grant of permission. The Commissioner is required to make pragmatic assessment of the material available on record and decide the question of *prima facie* title and lawful possession of the applicants. The applications for grant of permission cannot be rejected solely on the basis of TSLR entries. After all, the decision to grant permission itself would not confer any title upon the applicant, nor it would take away the rights of the objector (s), whether the Government or any individual, for asserting their right, title and interest in the land in respect of which permission has been granted and dispute the title in any manner known to law. Similarly, the Commissioner is not entitled to decide any disputed questions of title or the ownership. All that the Commissioner required to do is to find out *prima facie* title and lawful possession of the applicant and obviously such consideration is confined to only for the purposes of granting permission and nothing more.

Therefore, liberty is given to the petitioner to obtain a copy of the TSLR from the revenue department and then submit the same to the first respondent who is directed to consider the building application of the petitioner dated 04.12.2002 in accordance with the Judgment referred to hereinabove provided the petitioner satisfy all the conditions including Section 429(1)(a) and bye-law 4.2(v). Two weeks time is granted to the petitioner to obtain a copy of the TSLR.

The writ petition is accordingly disposed of. No costs.

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(V.V.S.RAO,J)

15.11.2005.

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